

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4723 of 2017

- Dileshwar Gond S/o Lachchhiram Gond, Aged About 19 Years, R/o Village Chhirschunwa, Police Chowki Beladula, Police Station Sarsiwan, District (Revenue & Civil) Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sarsiwan (wrongly mentioned as Palari in order sheet), District (Revenue & Civil) Balodabazar-Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Sumit Jhanwar, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

17-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.167/17 on 29-6-2017 by P.S. Sarsiwan, District Balodabazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has yet not been filed, the applicant is remanded by the CJM Balodabazar. Learned counsel for the applicant would further submit that the applicant is first offender. He was never involved in similar offence. He will not commit any offence in future and as per the allegation, from the applicant 7 bulk liter hand made country liquor has been seized. He may be granted bail till trial. Learned counsel for the applicant would also submit that though earlier Crime No.165/17 under Section 147, 148, 149, 186, 332, 353 of the IPC has been registered, but the applicant has already been granted bail in the said matter. He may be given one last opportunity as he is aged about 19 years and the trial may take some time.
3. Per contra, learned counsel for the non-applicant /State opposed the argument advanced on behalf of the applicant as the applicant had criminal antecedent.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 18 days till date, charge sheet has not yet been filed, trial may take some time, the applicant is aged about 19 years, looking to the quantity of liquor so seized and other matter registered, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Balodabazar, C.G. for his appearance before the said Court as and when directed till trial.

6. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

7. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Sarsiwan, District Balodabazar-Bhatapara, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Registrar (Judicial) is directed to send a copy of this order to the

concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. Certified copy as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**